

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS, INC.,</b>	)	
	)	
	)	<b>Civil Action No. 3:09-CV-620 (REP)</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF *ePLUS* INC.’S REVISED PROPOSED VERDICT FORM**

Plaintiff *ePlus*, Inc., (“*ePlus*”) hereby provides the attached revised proposed verdict form for the trial in the above-captioned matter, pursuant to the Scheduling Order, as amended, in this case. *ePlus* reserves its right to amend, supplement, or modify this proposed verdict form as the case proceeds through trial and based upon conferences with opposing counsel. *ePlus* does not concede, by submitting the proposed verdict form, that Defendant has met its evidentiary burdens with respect to any of the issues to which the proposed form pertains. Neither does *ePlus* waive any objections relating to issues that are or have been the subject of pending motions, including motions *in limine*. Finally, *ePlus* does not, by omitting a proposed verdict question with respect to damages, waive its objections pertaining to the Court’s rulings excluding damages issues from the trial of this action.

**VERDICT**

We, the jury, find as follows:

**I. INFRINGEMENT**

**(As to each claim, a “YES” answer is a finding for *ePlus*. A “NO” answer is a finding for Lawson.)**

1. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 3 of the ‘683 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

2. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 26 of the ‘683 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

3. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 28 of the ‘683 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

4. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 29 of the ‘683 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

5. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 1 of the ‘516 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

6. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 2 of the '516 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

7. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 6 of the '516 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

8. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 9 of the '516 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

9. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 21 of the '516 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

10. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 22 of the '516 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

11. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 29 of the '516 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

12. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 1 of the '172 patent, either directly or indirectly?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

## II. WILLFULNESS

13. If you have found that Lawson has infringed any of the *ePlus* patent claims, do you also find by clear and convincing evidence that Lawson's infringement has been willful?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

## III. VALIDITY

**(As to each claim, a "YES" answer is a finding for Lawson. A "NO" answer is a finding for *ePlus*.)**

14. Do you find that Lawson has proven by clear and convincing evidence that claim 3 of the '683 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

15. Do you find that Lawson has proven by clear and convincing evidence that claim 26 of the '683 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

16. Do you find that Lawson has proven by clear and convincing evidence that claim 28 of the '683 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

17. Do you find that Lawson has proven by clear and convincing evidence that claim 29 of the '683 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

18. Do you find that Lawson has proven by clear and convincing evidence that claim 1 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

19. Do you find that Lawson has proven by clear and convincing evidence that claim 2 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

20. Do you find that Lawson has proven by clear and convincing evidence that claim 6 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

21. Do you find that Lawson has proven by clear and convincing evidence that claim 9 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

22. Do you find that Lawson has proven by clear and convincing evidence that claim 21 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

23. Do you find that Lawson has proven by clear and convincing evidence that claim 22 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

24. Do you find that Lawson has proven by clear and convincing evidence that claim 29 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

25. Do you find that Lawson has proven by clear and convincing evidence that claim 1 of the '172 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

**INSTRUCTION: CONTINUE AND SIGN VERDICT FORM ON NEXT PAGE**

You each must sign this Verdict Form.

Dated: \_\_\_\_\_

\_\_\_\_\_  
FOREPERSON

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Respectfully submitted,

Dated: November 17, 2010

/s/

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**CERTIFICATE OF SERVICE**

I certify that on this 17th day of November, 2010, I will electronically file the foregoing **PLAINTIFF ePLUS INC.'S REVISED PROPOSED VERDICT FORM** with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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